

A SUBSTITUTE ORDINANCE
BY CITY UTILITIES COMMITTEE

08-O-2160

AN ORDINANCE AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO WAIVE CERTAIN PROVISIONS UNDER SECTION 2-1541 (d) and 2-1545 (d) OF THE CITY OF ATLANTA CODE OF ORDINANCES TO ACCEPT DONATION OR PURCHASE OF PERMANENT EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS TO ALLOW FOR THE COMPLETION OF CONSTRUCTION OF THE NORTH HIGHLAND STREETScape PROJECT; THE COMPLETION OF THE TELL ROAD UNPAVED STREET PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has instituted a comprehensive Quality of Life Bond program to install sidewalks, pave unpaved streets and streetscape improvements at various locations throughout the City of Atlanta; and

WHEREAS, it is necessary to acquire permanent and temporary construction easements, and/or the donation of permanent construction easements and necessary rights-of-way from various property owners for roadway improvements for the North Highland Streetscape Project, and the Tell Road Unpaved Street Project; and

WHEREAS, in order to complete the proposed construction and roadway improvements in timely fashion the requirements of Section 2-1541 (d) and 2-1545 (d) of the Procurement and Real Estate Code, which require further authorization of council for acquisition of permanent and temporary easements and necessary rights-of-way described in this ordinance, should be waived.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: That the Chief Procurement Officer or authorized designee is hereby authorized to negotiate with the affected property owners to acquire temporary or permanent and/or the donation of permanent construction easements, the necessary rights-of-way, and other related property interests necessary to complete the construction of the North Highland Streetscape Project and the Tell Road Unpaved Street Project.

Section 2: That the Chief Procurement Officer or authorized designee is hereby authorized to obtain reports, appraisal reports, land surveys, legal descriptions, environmental reports, and to negotiate with the affected property owners.

Section 3: That the City of Atlanta's outside consultants and their sub consultants are authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation.

Section 4: That the requirements of Section 2-1541 (d) and 2-1545 (d) of the Procurement and Real Estate Code, which require further authorization of Council for

acquisition of permanent and temporary easements and necessary rights-of-way described in this ordinance is hereby waived.

Section 5: That the City Attorney, or designee, is authorized to monitor and supervise the closing transactions with affected property owners in connection with these construction and roadway improvements, with the assistance of Atlanta consultants and sub-consultants.

Section 6: That any ordinance in conflict with this ordinance shall be and is hereby appealed.

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO ACCEPT DONATION OR PURCHASE OF PERMANENT EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS TO ALLOW FOR THE COMPLETION OF CONSTRUCTION OF THE NORTH HIGHLAND STREETScape PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has instituted a comprehensive Quality of Life Bond program to install sidewalks and streetscape improvements at various locations throughout the City of Atlanta; and

WHEREAS, it is necessary to acquire permanent and temporary construction easements, and/or the donation of permanent construction easements and necessary rights-of-way from various property owners for roadway improvements for the North Highland Streetscape Project; and

WHEREAS, in order to complete the proposed construction and roadway improvements in timely fashion, the requirements of Section 2-1541 (d) and 2-1545 (d) of the Procurement and Real Estate Code, which require further authorization of council for acquisition of permanent and temporary easements and necessary rights-of-way described in this ordinance, should be waived.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: That the Chief Procurement Officer or authorized designee is hereby authorized to negotiate with the affected property owners to acquire temporary or permanent and/or the donation of permanent construction easements, the necessary rights-of-way, and other related property interests necessary to complete the construction of the North Highland Streetscape Project.

Section 2: That the Chief Procurement Officer, or authorized designee, is hereby authorized to obtain reports, appraisal reports, land surveys, legal descriptions, environmental reports, and to negotiate with the affected property owners.

Section 3: That the City of Atlanta's outside consultants and their sub-consultants are authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation.

Section 4: That the requirements of Section 2-1531 (d) and 2-1545 (d) of the Procurement and Real Estate Code, which require further authorization of council for acquisition of permanent and temporary easements and necessary rights-of-way described in this ordinance is hereby waived.

Section 5: That the Chief Procurement Officer is authorized to administratively settle, without further authorization of city council, those acquisitions which exceed these limitations which the City of Atlanta's consultants cannot otherwise acquire. However, in no event shall the Chief Procurement Officer's authority to administratively negotiate or settle such acquisitions without council authorization exceed twenty percent (20%) above the estimated just compensation of affected properties.

Section 6: That the City Attorney, or designee, is authorized to monitor and supervise the closing transactions with affected property owners in connection with these construction and roadway improvements, with the assistance of Atlanta consultants and sub-consultants.

Section 7: That any ordinance in conflict with this ordinance shall be and is hereby appealed.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

Caption: AN ORDINANCE AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO ACCEPT DONATION OR PURCHASE OF PERMANENT EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS TO ALLOW FOR THE COMPLETION OF CONSTRUCTION OF THE NORTH HIGHLAND STREETSCAPE PROJECT; AND FOR OTHER PURPOSES.

Council Meeting Date: December 1, 2008

Requesting Dept.: Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

To accept Right-of-Way donations from property owners affected by this project.

2. Please provide background information regarding this legislation.

Quality of Life allocation for this project is insufficient to include purchase Right-of-Way for completion of this project. The City of Atlanta has sought donation of permanent Right-of-Way in exchange for improvements to the sidewalks in front of the businesses from which Right-of-Way donations are being requested.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) **Number of Bids:**

(f) **Proposals Received:**

(g) **Bidders/Proponents:**

(h) **Term of Contract:**

4. Fund Account Center: THIS REQUEST IS FOR DONATION OF RIGHT-OF-WAY WITH NO FINANCIAL IMPACT.

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By:

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: October 29, 2008

Anticipated Committee Meeting Date(s): November 26, 2008

Anticipated Full Council Date: December 1, 2008

Legislative Counsel's Signature: Saul Schultz

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO ACCEPT DONATION OR PURCHASE OF PERMANENT EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS TO ALLOW FOR THE COMPLETION OF CONSTRUCTION OF THE NORTH HIGHLAND STREETScape PROJECT; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____

(date)

(date)

Received by Mayor's Office: [Signature]

Reviewed by: 10/29/08

(date)

(date)

Submitted to Council: _____